

Docket No. 0905-0237P
Appl. No.: 09/586,594
Art Unit: 2615
Amendment dated July 21, 2004
Reply to Office Action of April 21, 2004
Page 11 of 14

REMARKS

Applicant appreciates the Examiner's thorough consideration provided in the present application. Claims 1 and 3-15 are currently pending in the instant application. Claims 3 and 4 have been amended. Claims 1 and 15 are independent. Reconsideration of the present application is earnestly solicited.

Reasons for Entry of Amendment

As discussed in greater detail hereinafter, Applicant respectfully submits that the rejections under 35 U.S.C. § 112 are improper and should be withdrawn. If the present application is not passed to Issue, Applicant submits that the finality of the Final Office Action mailed on April 21, 2004 should be withdrawn.

In accordance with the requirements of 37 CFR 1.116, Applicant respectfully requests entry and consideration of the foregoing amendments as they remove issues for appeal (remove informalities and present additional allowable claims) and place the current application in condition for allowance.

Docket No. 0905-0237P
Appl. No.: 09/586,594
Art Unit: 2615
Amendment dated July 21, 2004
Reply to Office Action of April 21, 2004
Page 12 of 14

Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter. Specifically, the Examiner has allowed claims 1 and 5-15. In addition, Applicant submits that in light of the foregoing amendments to claims 3 and 4 to address the minor informalities cited by the Examiner, claims 3 and 4 should also be allowed as they depend from allowable independent claim 1 and/or for the additional allowable features provided therein. Accordingly, all of the claims of the present application should be allowed and the present application should be allowed to Issue.

Drawings

Applicant appreciates the Examiner's indication of acceptance of the formal drawings filed on June 2, 2000.

Claim Rejections Under 35 U.S.C. § 112

Claims 3 and 4 have been rejected under 35 U.S.C. § 112, first paragraph due to the presence of alleged informalities with these claims. This rejection is respectfully traversed.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicant has

incorporated the changes recommended by the Examiner. Specifically, the term determination unit has been clarified to more broadly claim "a determination unit," e.g., instead of a first determination unit.

However, Applicant submits that the requested changes do not appear to either raise a substantial question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention. Accordingly, this rejection should be withdrawn and the present application should be permitted to Issue.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

Docket No. 0905-0237P
Appl. No.: 09/586,594
Art Unit: 2615
Amendment dated July 21, 2004
Reply to Office Action of April 21, 2004
Page 14 of 14

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner
Reg. No. 32,181

MSW/MTS/cl

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000